

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

EVDOKIA NIKOLOVA,

Plaintiff

v.

UNIVERSITY OF TEXAS AT AUSTIN,

Defendant.

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Civil Action No.: 1:19-CV-00877

DEFENDANT'S OBJECTIONS TO PLAINTIFF'S EXHIBITS

In compliance with the Court's Order dated January 27, 2022, and Rule CV-16(g)(2) of the Court's Local Rules, LR CV-16(g) (W.D. Tex.), please find the list the following objections by Defendant The University of Texas at Austin ("UT Austin"), together with the grounds therefore, to the admissibility of the exhibits identified by Plaintiff's pretrial filings (Dkt. #58-2).

In further support, UT Austin respectfully offers the following:

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
1.	Dean's Assessment, UT 22-25	X		• No objection.
2.	Rebuttal to Dean's Assess, UT 6-20	X		• Hearsay (Fed. R. Evid. 802).
3.	Change in Academic Rank Summary Form EN, UT 21	X		• No objection.
4.	Chair's Letter of Support, UT 26-30	X		• No objection.
5.	Budget Council Teaching, UT 58-61	X		• No objection.
6.	Teaching Statement, UT 62-68	X		• No objection.
7.	Budget Council Research, UT 77-80	X		• No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
8.	Research Statement and Supporting Docs, UT 81-91	X		<ul style="list-style-type: none"> • No objection.
9.	Budget Council Service, UT 96-97		X	<ul style="list-style-type: none"> • No objection.
10.	Nikolova CV, UT 34-57	X		<ul style="list-style-type: none"> • No objection.
11.	External Letters All, UT 220-21, 224-26, 228-229, 231-232, 235-36, 239-41, 244-45, 248-49, 252-53	X		<ul style="list-style-type: none"> • No objection.
12.	Letter Atamturk Berkley, UT 220-21		X	<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
13.	Letter Conitzer Duke, UT 224-26		X	<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
14.	Letter Goel Stanford, UT 228-229		X	<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
15.	Letter JaiIlet MIT, UT 231-232	X		<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
16.	Letter Kannan U Penn, UT 235-36		X	<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
17.	Letter Schulz U Munich, UT 239-41	X		<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
18.	Letter Shmoys Cornell, UT 244-45	X		<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
19.	Letter Van Hentenryck Ga. Tech, UT 248-49	X		<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
20.	Letter Yannakakis Columbia, UT 252-53		X	<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
21.	Peer Teaching Evals, UT 69-74		X	<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
22.	Tenure Dossier Full Nikolova, UT 1-146		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Lack of Authentication (Fed. R. Evid. 901). • Misleading the jury (Fed. R. Evid. 403). • Note: this document is not the dossier and was not designated as the dossier in UT Austin's production.
23.	Blum Letter, UT 26177-179	X		<ul style="list-style-type: none"> • No objection.
24.	Erez Letter Discrim, UT 8814	X		<ul style="list-style-type: none"> • No objection.
25.	EM Letter urging the positive conclusion of Dr Evdokia Nikolovas tenure appeal, 4.8.19, UT 8773-75	X		<ul style="list-style-type: none"> • No objection.
26.	EM Letter urging the positive conclusion of Dr Evdokia Nikolovas tenure appeal, 4.9.19, UT 9737-40	X		<ul style="list-style-type: none"> • No objection.
27.	P&T Committee Notes Em, UT 7550		X	<ul style="list-style-type: none"> • No objection.
28.	P&T Committee Notes, UT 7551-54	X		<ul style="list-style-type: none"> • No objection.
29.	Pres Cmtee Chart, UT 8749		X	<ul style="list-style-type: none"> • No objection.
30.	Nikolova Denial Letter, UT 660	X		<ul style="list-style-type: none"> • No objection.
31.	EM Nikolova Final Arguments letter, UT 7906- 07	X		<ul style="list-style-type: none"> • No objection.
32.	Request for Reconsideration/Final Arguments Letter, UT 256-76	X		<ul style="list-style-type: none"> • Hearsay (Fed. R. Evid. 403).
33.	CCAFR Appeal, UT 616-695	X		<ul style="list-style-type: none"> • Hearsay (Fed. R. Evid. 403).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
34.	CCAFR Decision, UT 696-713	X		<ul style="list-style-type: none"> • No objection.
35.	CCAFR Pres Response, UT 714-718	X		<ul style="list-style-type: none"> • No objection.
36.	CCAFR To Dukerick, UT 8834-8836		X	<ul style="list-style-type: none"> • No objection.
37.	Hiring Letter EN, P 1935-38	X		<ul style="list-style-type: none"> • No objection.
38.	EM FW Offer JS-GF 8670		X	<ul style="list-style-type: none"> • No objection.
39.	Chair Letter of Support Initial, UT 19042-46		X	<ul style="list-style-type: none"> • No objection.
40.	Faculty w MID, UT 36126-27	X		<ul style="list-style-type: none"> • No objection.
41.	Pregnancy Extension MID 2015 EN, UT 7053- 57	X		<ul style="list-style-type: none"> • No objection.
42.	MID 2018 EN, P 1872-73	X		<ul style="list-style-type: none"> • No objection.
43.	Tiwari Rescinding Docs, UT 26881-85, 34014-16, 26,886	X		<ul style="list-style-type: none"> • No objection.
44.	EM all 2019 update AT to EN, P 1902	X		<ul style="list-style-type: none"> • No objection.
45.	EM [cse-ece-faculty] Congratulations AT-EEF, UT 25675	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Note 1: UT Austin willing to stipulate to child's birthdate and contemporary announcement to ECE faculty. • Note 2: Exhibit has a minor's name; if admitted over UT Austin's objection, Plaintiff may want to redact.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
46.	EM Fwd Baby Elitza, KL-SS&AT, UT 25628-37	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice (Fed. R. Evid. 403). • Note 1: UT Austin willing to stipulate to child's birthdate and contemporary announcement to ECE faculty. • Note 2: Exhibit has a minor's name; if admitted over UT Austin's objection, Plaintiff may want to redact.
47.	EM RE Ask about tenure clock extension, EN- AT, UT 18882	X		<ul style="list-style-type: none"> • No objection.
48.	EM Congratulations! AT-EM, P 3783	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice (Fed. R. Evid. 403). • Note: UT Austin willing to stipulate to child's birthdate and contemporary announcement to ECE faculty.
49.	EM "Consultative Committee for the Next Department Chair" EN to SW, P 1867-71	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401)
50.	EM [cse-ece-faculty] Occupying the EERC SW-EN, P 2869-73		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401) • Confusing the issues (Fed. R. Evid. 403)
51.	Faculty Council Mtg Transc 2019, UT 24936- 53	X		<ul style="list-style-type: none"> • No objection.
52.	Faculty Council Minutes 2019, UT 24928-34	X		<ul style="list-style-type: none"> • No objection.
53.	Roadshow Agenda Spring 15, UT 34023		X	<ul style="list-style-type: none"> • No objection.
54.	Roadshow Agenda Spring 16, UT 34024		X	<ul style="list-style-type: none"> • No objection.
55.	Roadshow Agenda Spring 17, UT 34025		X	<ul style="list-style-type: none"> • No objection.
56.	Roadshow Agenda Spring 18, UT 34026		X	<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
57.	Roadshow Agenda Spring 19, UT 34027		X	<ul style="list-style-type: none"> • No objection.
58.	Annual Report Standing Committees General Faculty 18-19, UT 6873-6920	X		<ul style="list-style-type: none"> • No objection.
59.	General Tenure Guidelines 2018-19, UT 735-55	X		<ul style="list-style-type: none"> • No objection.
60.	HOP 2-2010, UT 762-63	X		<ul style="list-style-type: none"> • No objection.
61.	HOP 2-2020, UT 764-765	X		<ul style="list-style-type: none"> • No objection.
62.	HOP 2-2160 UT 774-76	X		<ul style="list-style-type: none"> • No objection.
63.	HOP 2-2240 MID, UT 780-81			<ul style="list-style-type: none"> • No objection.
64.	HOP 3-3020 Nondiscrimination, Dalton Depo Ex 60	X		<ul style="list-style-type: none"> • No objection.
65.	HOP 3-3031 Prohibition of Sex Discrimination, Dalton Depo Ex 61	X		<ul style="list-style-type: none"> • No objection.
66.	Regents Rule 10701, Dalton Depo Ex 62	X		<ul style="list-style-type: none"> • No objection.
67.	Training scenarios, UT 2234-35		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
68.	Responsible Employee Resource Guide, UT 2228-29	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the Issues, Wasting Time (Fed. R. Evid. 403).
69.	Women in Engineering Title IX, UT 2764-87		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the Issues, Wasting Time (Fed. R. Evid. 403).
70.	Title IX and Non-Discrimination, UT 4995- 5034		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the Issues, Wasting Time (Fed. R. Evid. 403).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
71.	EM Faculty Interview Etiquette, P 1885-87		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the Issues, Wasting Time (Fed. R. Evid. 403).
72.	EM FW Title IX: Pregnant or Parenting?, P 1888-91		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the Issues, Wasting Time (Fed. R. Evid. 403).
73.	Broadening Participation in Computing Plan, P 1925-28		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the Issues, Wasting Time (Fed. R. Evid. 403). • Authentication, Lack of Foundation (Fed. R. Evid. 901).
74.	EM another question BE-EN, P 1894-95		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401) • Confusing the Issues, Wasting Time (Fed. R. Evid. 403).
75.	College of Natural Science Faculty Handbook, P 2769-73		X	<ul style="list-style-type: none"> • No objection.
76.	Interview of Sharon Wood, https://www.hartenergy.com/exclusives/2020-pinnacle-award-winner-dr-sharon-l-wood-university-texas-186588 (Wood Depo Ex 5)		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401) • Unfairly Prejudicial, Wasting Time (Fed. R. Evid. 403).
77.	EM Re chaired professorship at Duke, EN-AT, UT 18691-93		X	<ul style="list-style-type: none"> • No objection.
78.	EM Your AitF Proposal, EN-AT, UT 17801-17804		X	<ul style="list-style-type: none"> • No objection.
79.	EM Promotion AT to EN, P 1983-85		X	<ul style="list-style-type: none"> • No objection.
80.	EM Evdokia 3rd year review AD-AT, UT 19100		X	<ul style="list-style-type: none"> • No objection.
81.	EM Third year review AT-EN, P 2428-33		X	<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
82.	Third Year Review EN, UT 8657-59	X		<ul style="list-style-type: none"> • No objection.
83.	EM my teaching evaluations for 360C AT-EN, P 1990-2006	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Hearsay (Fed. R. Evid. 802).
84.	EM Teaching evals for 360C EN-BE, P 2007-08	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
85.	EM teaching data EN-SS, P 2092-93	X		<ul style="list-style-type: none"> • Authentication, Lack of Foundation (Fed. R. Evid. 901).
86.	CIS Percentiles, P004382	X		<ul style="list-style-type: none"> • Authentication, Lack of Foundation (Fed. R. Evid. 901).
87.	ECE CIS Score Percentiles, P004383	X		<ul style="list-style-type: none"> • Authentication, Lack of Foundation (Fed. R. Evid. 901).
88.	EM data on teaching EN-SS, P 2102-10	X		<ul style="list-style-type: none"> • No objection.
89.	EM promotion vote, AT-EN, UT 19109-11	X		<ul style="list-style-type: none"> • No objection.
90.	EM Promotion AT-EN , P 1983-85	X		<ul style="list-style-type: none"> • Cumulative with P's Ex. 11 (Fed. R. Evid. 403).
91.	EM Good morning everyone! JB-EN, P 2191- 93		X	<ul style="list-style-type: none"> • No objection.
92.	EM 2018 CV & Publication List JB-DA, P 2279-82		X	<ul style="list-style-type: none"> • No objection.
93.	EM CV attached JD-EN, P 2287-99		X	<ul style="list-style-type: none"> • No objection. • Note: Exhibit has students' names; to avoid FERPA concerns, the names should be redacted prior to admission.
94.	EM Teaching statement attached EN-SS, P 2309-14	X		<ul style="list-style-type: none"> • No objection.
95.	EM Help with tenure Teaching Statement EN- CJ, P 2327-32	X		<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
96.	EM remaining documents EN-JB, P 2372-76	X		<ul style="list-style-type: none"> • No objection. • Note: Exhibit may have students names; to avoid FERPA concerns, the names should be redacted prior to admission.
97.	Sample Teaching Statement Vijay Reddi, P 2253-55	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Authentication, Lack of Foundation (Fed. R. Evid. 901).
98.	EM Teaching Statement edit JB-EN, P 2551-56	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401)
99.	EM promotion vote 09.12.18, AT-EN, UT 19028-29	X		<ul style="list-style-type: none"> • No objection.
100.	EM Re EE 360C required for which students, JV-EN,CJ,&VV, UT 6227-28	X		<ul style="list-style-type: none"> • No objection.
101.	EM Comments on Nikolova SW-SS, UT 33877-78	X		<ul style="list-style-type: none"> • No objection.
102.	EM Re question for ECE chair, AT-GS, UT 7472-73	X		<ul style="list-style-type: none"> • No objection.
103.	EM FW question for ECE chair, GS-SW, UT 7476-77	X		<ul style="list-style-type: none"> • No objection.
104.	EM FW question for ECE chair JS-SW UT 7476-77	X		<ul style="list-style-type: none"> • No objection.
105.	EM FW question for ECE chair, GS-SDS, UT 26165	X		<ul style="list-style-type: none"> • No objection.
106.	EM RE question for ECE chair, SW-GS, UT 37789-90	X		<ul style="list-style-type: none"> • No objection.
107.	EM Fwd: further thoughts EN-EN, P 4334-45		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Hearsay (Fed. R. Evid. 802).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
108.	EM Re rebuttal draft, EN-AT, UT 26013-14		X	<ul style="list-style-type: none"> • No objection.
109.	TXT Between EN-AT P 2759-67		X	<ul style="list-style-type: none"> • No objection. • Note: Exhibit has a minor's name; if admitted over UT Austin's objection, Plaintiff may want to redact.
110.	EM RE P&T Decision, AT-EN, UT 18998-19001	X		<ul style="list-style-type: none"> • No objection.
111.	EM RE question for ECE chair, SW-AT, UT 25607-09	X		<ul style="list-style-type: none"> • No objection.
112.	EM RE [cse-ece-faculty] P&T decision, AT-JL, UT 18992-95	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
113.	EM update from conversation with Carmen, EN-EB&AT, UT 8622	X		<ul style="list-style-type: none"> • No objection.
114.	EM Re confidential Petition, SW-AT, UT 19569-71	X		<ul style="list-style-type: none"> • No objection.
115.	EM confidential: Petition JS-SW, UT 7692-94		X	<ul style="list-style-type: none"> • No objection.
116.	EM Re Petition, AT-SS, UT 19004-05		X	<ul style="list-style-type: none"> • No objection.
117.	EM Re: Petition SS-EN, P 4319-21		X	<ul style="list-style-type: none"> • No objection.
118.	TXT Texts btwn SS and EN, P 4365-74		X	<ul style="list-style-type: none"> • No objection.
119.	EM Fwd Promotion of Assistant Professor Evdokia Nikolova to Associate Professor with tenure, AT-SS, UT 19010-11	X		<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
120.	EM Fwd P&T decision EN-ECE Faculty, P 4474-4713	X		<ul style="list-style-type: none"> • No objection.
121.	EM Fwd: P&T decision EN-ECE Faculty, P 2637-41, P 2618-21	X		<ul style="list-style-type: none"> • No objection.
122.	EM RE [cse-ece-faculty] P&T decision, SW- GS&AT, UT 7943-51	X		<ul style="list-style-type: none"> • No objection.
123.	EM Re [nikolova2009@gmail.co m Re [cse- ece-faculty' P&T decision, AT-YP, UT 18948- 56	X		<ul style="list-style-type: none"> • No objection.
124.	EM RE [cse-ece-faculty] P&T decision, AT- DW, UT 18969-72	X		<ul style="list-style-type: none"> • No objection.
125.	EM RE [cse-ece-faculty] P&T decision, GS- AT, UT 19936-42		X	<ul style="list-style-type: none"> • No objection.
126.	Female Promote CSE ECE, UT Austin 19950		X	<ul style="list-style-type: none"> • Misleading the jury (Fed. R. Evid. 403). • Note: P's Ex. 126 is a spreadsheet that was attached to an email sent on 02/20/19 at 10:51 AM (contained within P's Ex. 125). But the next day, the same person sent an email indicating he "made a mistake in my previous accounting," attaching a corrected spreadsheet (the most recent email in P's Ex. 125). The subsequent spreadsheet is bates numbered UT Austin _0007660, to which UT Austin would have no objection if offered.
127.	EM Re [ece-faculty-a] Promotion statistics, AT-YP, UT 19012-16	X		<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
128.	EM RE Key questions, AT-JA, UT 18968	X		<ul style="list-style-type: none"> • No objection.
129.	EM RE [cse-ece-faculty] P&T decision, AT- GS, UT 18961-67			<ul style="list-style-type: none"> • No objection.
130.	EM comparison with Zoya Heidari from Petroleum Engineering, EN-AT, UT 8385-87	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator as a matter of law).¹
131.	Tewfik Text Re Email, P 4384	X		<ul style="list-style-type: none"> • No objection.
132.	EM Plan to submit Final Arguments and CCAFR appeal later today EN- CS, P 4389-91	X		<ul style="list-style-type: none"> • No objection.
133.	EM RE CCAFR Report on Dr. Evdokia Nikolova, SW-GS, UT 7973-74	X		<ul style="list-style-type: none"> • No objection.
134.	EM RE CCAFR Reposrt on Dr. Evdokia Nikolova 04.30.19, SW-GS, UT 7975-76	X		<ul style="list-style-type: none"> • No objection.
135.	EM Most controversial case, SW-DD, UT 7965	X		<ul style="list-style-type: none"> • No objection.
136.	EM RE Procedural tenure question, SW- CS&GS, UT 7928-30	X		<ul style="list-style-type: none"> • No objection.
137.	EM Re [cse-ece-faculty] P&T decision, SW- JD, UT 7915-19		X	<ul style="list-style-type: none"> • No objection.

¹ *See also Tapp v. Mead Johnson & Co.*, 3:06-cv-1580, 2009 WL 435294, at *3 (N.D. Tex. 2009) (Lynn, J.) (holding that evidence of persons not similarly situated as a matter of law “was properly excluded at trial”); *Wilkerson v. Univ. of North Texas*, 4:15-cv-00540, 2019 WL 2716779, at *9 (E.D. Tex. 2019) (Mazzant, J.) (holding that the court did not err by excluding evidence regarding other faculty members who were not proper comparators because it was not relevant or, alternatively, “its probative value is substantially outweighed by the danger of unfair prejudice to Defendant and its potential to confuse the jury”).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
138.	EM Re update, JD-SW, UT 7879-81		X	<ul style="list-style-type: none"> • No objection.
139.	EE360 CIS Results, P004390-P004473 (Also in part P's MSJ Response Ex 35)		X	<ul style="list-style-type: none"> • No objection.
140.	EE 319 CIS Results, Ex 41, P's MSJ Response		X	<ul style="list-style-type: none"> • No objection.
141.	CIS Individual Results, P 2874-3071		X	<ul style="list-style-type: none"> • No objection.
142.	Heidari Dossier Docs, UT 16915-18, 17025-28		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 143).
143.	Heidari Dossier Full, UT 16914-17116		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator as a matter of law).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
144.	Belkin Dossier Docs, UT 22432-35	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). Belkin was promoted to associate professor with tenure during his “up-or-out” year (not early) in 2013 by President Powers (not Fenves) and is not a proper comparator for Nikolova’s 2019 early tenure decision as a matter of law.² • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff’s Exhibit 145).
145.	Belkin Dossier Full, UT 22432-22573	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). Belkin was promoted to associate professor with tenure during his “up-or-out” year (not early) in 2013 by President Powers (not Fenves) and is not a proper comparator for Nikolova’s 2019 early tenure decision as a matter of law.
146.	Tiwari Dossier Docs, UT 16430-33, 16456, 16464-68, 16474, 16462, 16452-53, 16463	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-5 (arguing that Tiwari is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff’s Exhibit 147).

² *See Lee v. Kan. City S. Ry. Co.*, 574 F.3d 253, 259 (5th Cir. 2009) (“Employees with different supervisors, who work for different divisions of a company or who were the subject of [] employment actions too remote in time from that taken against the plaintiff generally will not be deemed similarly situated.”); *see also Tapp*, 2009 WL 435294, at *3; *Wilkerson*, 2019 WL 2716779, at *9.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
147.	Tiwari Dossier Full, UT 16430-563		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-5 (arguing that Tiwari is not a proper comparator as a matter of law).
148.	Foster Dossier Docs, UT 13843-50, 13883		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). Foster worked in the Petroleum and Geosystem Engineering Department and is not a proper comparator as a matter of law. • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 149).
149.	Foster Dossier Full, UT 13843-14001		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). Foster worked in the Petroleum and Geosystem Engineering Department and is not a proper comparator as a matter of law.
150.	Cox Dossier Docs, UT 11042-46, 11080, 11120-21, 11150-52		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Cox is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 151).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
151.	Cox Dossier Full, UT 11042-11224		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Cox is not a proper comparator as a matter of law).
152.	Saleh Dossier Docs, UT 14143-47, 14176, 14197, 14215-17		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Saleh is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 153).
153.	Saleh Dossier Full, UT 14143-14280		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Saleh is not a proper comparator as a matter of law).
154.	Okuno Dossier Docs, UT 14627-31, 14656, 14696-97		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Okuno is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 155).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
155.	Okuno Dossier Full, UT 14627-14785		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Okuno is not a proper comparator as a matter of law).
156.	Salamone Dossier Docs, UT 14786-79, 14817-14818, 14861-62		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Salamone is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 157).
157.	Salamone Dossier Full, UT 14786-14913		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Salamone is not a proper comparator as a matter of law).
158.	Yeh Dossier Docs, UT 15089-92, 15118, 15157		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Yeh is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 159).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
159.	Yeh Dossier Full, UT 15089-15249		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Yeh is not a proper comparator as a matter of law).
160.	Sun Dossier Docs, UT 14281-85, 14303, 14338, 14367-69		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Sun is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 161).
161.	Sun Dossier Full, UT 14281-14440		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Sun is not a proper comparator as a matter of law).
162.	Reddi Dossier Docs, UT 17117-21, 17161, 17184-88		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Reddi is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 163).
163.	Reddi Dossier Full, UT 17117-17253		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Reddi is not a proper comparator as a matter of law).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
164.	Dimikas Dossier Docs, UT 16761-64, 16848-50	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Dimakis is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 165).
165.	Dimikas Dossier Full, UT 16761-16913		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Dimakis is not a proper comparator as a matter of law).
166.	Humphreys Dossier Docs, UT 11760-64, 11803, 11870-71	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Humphreys is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 167).
167.	Humphreys Dossier Full, UT 11760-11944		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Humphreys is not a proper comparator as a matter of law).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
168.	El Mohtar Dossier Docs, UT 11225-11229, 11255, 11289-91, 11296, 11334-35	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that El Mohtar is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 169).
169.	El Mohtar Dossier Full, UT 11225-11401		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that El Mohtar is not a proper comparator as a matter of law).
170.	Bickel Dossier Docs, UT 22913-22916, 22968-71, 23007	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Bickel is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 171).
171.	Bickel Dossier Full, UT 22913-23080		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Bickel is not a proper comparator as a matter of law).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
172.	Gerstlauer Dossier Docs, P 464-67, 509, 524-27, 566	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Gerstlauer is not a proper comparator as a matter of law). • Should the objections be overruled, UT Austin invokes Rule 106 and asks the Court to admit only the entire dossier (Plaintiff's Exhibit 173).
173.	Gerstlauer Dossier Full, UT 26888-27054		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-7 (arguing that Gerstlauer is not a proper comparator as a matter of law).
174.	Zoldan Dossier Full, UT 24757-24927	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). Zoldan worked in the Biomedical Engineering Department and is not a proper comparator as a matter of law.
175.	Heidari Offer Letter, UT 33888		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator).
176.	EM RE Official Offer Letter JO-ZH, UT 33892-94		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator).
177.	EM draft letter JO-ZH, UT 33895		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See</i> Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
178.	EM FW start-up list JO-ZH, UT 33900-02		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator).</i>
179.	EM PGE hiring proposal JO-SW, UT 33908-09		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator).</i>
180.	EM Zoya offer JO-GS, UT 34001		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Unfair prejudice, confusing the issues (Fed. R. Evid. 403). <i>See Dkt. #47, 4-6 (arguing that Heidari is not a proper comparator).</i>
181.	EM Re [cse-ece-faculty] P&T decision, CJ- ALT, UT 6195-98	X		<ul style="list-style-type: none"> • No objection.
182.	EM Re Peer Teaching Evaluation, EN-CJ, UT6320-32	X		<ul style="list-style-type: none"> • No objection.
183.	EM [ece-faculty-a] student course-instructor surveys, YP-RY, P 3193-94	X		<ul style="list-style-type: none"> • No objection.
184.	EM Introducing Our New Assistant Dean of Diversity, Equity and Inclusion, SW-EN, P's Resp MSJ Ex 68		X	<ul style="list-style-type: none"> • No objection.
185.	EM Re Peer Evaluations Overdue, SS-JE, TA,EN&BE, UT 26709-10	X		<ul style="list-style-type: none"> • No objection.
186.	EM Class: 1.518 : peer teaching evaluation EN-CJ, P 3139-51	X		<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
187.	EM Peer Teaching Evaluation (Nikolova) BE- EN, P 3111-21		X	<ul style="list-style-type: none"> • No objection.
188.	Annual Reviews All 17-18, UT 18881	X		<ul style="list-style-type: none"> • No objection.
189.	Annual Reviews All 18-19, UT 0026307	X		<ul style="list-style-type: none"> • No objection.
190.	Nikolova FAR, UT 26228-34	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
191.	Gligoric FAR, 25176-79	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
192.	Soloviech FAR, 25223-25	X		<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
193.	EM Re URGENT your FAR, CJ-DM, UT 26519		X	<ul style="list-style-type: none"> • No objection.
194.	EM Re [ECE Faculty Review] Rating Spreadsheet, CJ-DM, UT 26534-35	X		<ul style="list-style-type: none"> • No objection.
195.	EM Job Performance assessed by Faculty Evaluation Committee JE-EN, UT 8355	X		<ul style="list-style-type: none"> • No objection.
196.	EM Re Annual Review, assessed by Faulty Evaluation Committee and Department Chair, EN-DM, UT 35122-28	X		<ul style="list-style-type: none"> • No objection.
197.	EM Annual Review, assessed by Faculty Evaluation Committee EV-DM 7/27/20, P 3195-3205	X		<ul style="list-style-type: none"> • No objection.
198.	EM RE Senior design supervision this semester, GS-SW, UT 25581-85		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 402) • Confusing the issues (Fed. R. Evid. 403).

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
199.	EM RE Senior design supervision this semester, GS-AT, UT 25586-90		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 402) • Confusing the issues (Fed. R. Evid. 403)
200.	ECE Salaries 2013-20, Woods Depo Ex 11	X		<ul style="list-style-type: none"> • No objection.
201.	ECE Salaries 09-10 - 18-19 UT 26497		X	<ul style="list-style-type: none"> • No objection.
202.	ECE Salaries 19-20 UT 26498		X	<ul style="list-style-type: none"> • No objection.
203.	ECE Salaries 20-21 UT 26507		X	<ul style="list-style-type: none"> • No objection.
204.	EM Equity Raise Analysis GS-SW, UT 26434	X		<ul style="list-style-type: none"> • No objection.
205.	W-2 2013 A&M, P 1912		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the issues (Fed. R. Evid. 403).
206.	W-2 2014 UT, P 1915-16		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the issues (Fed. R. Evid. 403).
207.	W-2 2016 UT, P 1919-20		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the issues (Fed. R. Evid. 403).
208.	W-2 2017 UT, P 1921-22		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401). • Confusing the issues (Fed. R. Evid. 403).
209.	W-2 2018 UT, P 1923		X	<ul style="list-style-type: none"> • No objection.
210.	W-2 2019 UT, P 1924		X	<ul style="list-style-type: none"> • No objection.
211.	FMLA Documentation, P 3556-59	X		<ul style="list-style-type: none"> • No objection.
212.	EM Re: Urgent: mental health, P 3560-63	X		<ul style="list-style-type: none"> • No objection.
213.	Job Search Documents, P 3577-3632		X	<ul style="list-style-type: none"> • No objection.

No.	Description	Expect To Offer	May Offer	Defendant UT Austin's Objection(s) & Grounds
214.	EM Followup on MID Request JS-SW UT 7994-98	X		<ul style="list-style-type: none"> • No objection.
215.	Dalton Depo Notice		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
216.	Fenves Depo Notice		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
217.	Fenves Depo Notice First Amended		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
218.	Fenves Depo Notice Second Amended		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
219.	Wood Depo Notice		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
220.	Spietel Depo Notice		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
221.	Shockley Depo Notice		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
222.	Dream Hard Essay EN, P 1939-57		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 401).
223.	Charge of Discrimination, P 1965-66 (Not for jury but for jurisdictional purposes)		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 403). • Confusing the issues (Fed. R. Evid. 403)
224.	Right to Sue Letter, P 1963 (Not for jury but for jurisdictional purposes)		X	<ul style="list-style-type: none"> • Relevance (Fed. R. Evid. 403). • Confusing the issues (Fed. R. Evid. 403).

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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2022, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Benjamin L. Dower
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Deputy Chief for General Litigation Division